**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

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| IN RE "A MILLION LITTLE PIECES" LITIGATION | No. 06-md-1771<br>Hon. Richard J. Holwell |

Strack v. Frey

Doc. 67 Att. 7

**AFFIDAVIT OF THOMAS A. ZIMMERMAN, JR. IN SUPPORT OF JOINT PETITION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF COSTS FILED BY ZIMMERMAN AND ASSOCIATES, P.C.**

STATE OF ILLINOIS )
) ss.:
COUNTY OF COOK )

Thomas A. Zimmerman, Jr., being first duly sworn, deposes and says:

1. I am a shareholder of the firm of Zimmerman and Associates, P.C. I am submitting this affidavit in support of my firm's application for an award of attorneys' fees in connection with services rendered in the above-entitled action ("The Action") and the reimbursement of expenses incurred by my firm in the course of this litigation.

2. My firm acted as one of plaintiff's counsel in this class action. The tasks undertaken by my firm can be summarized as follows:

Drafting and filing a class action complaint, and motion for class certification. Drafting and filing a memorandum in support of consolidation and transfer of cases before the MDL. Reviewing and analyzing extensive documents produced by the defendants during discovery. Revising the protective order entered relative to discovery produced by the defendants. Drafting a settlement structure, and participating in the negotiation of the settlement. Created a spreadsheet analysis of sales information and

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settlement relief, which was used in the settlement negotiations. Revising the class notice, settlement agreement, claim forms, and preliminary and final approval orders.

3. The chart attached hereto as Exhibit A is a detailed summary indicating the amount of time spent by the partners of my firm who were involved in this litigation, and the lodestar calculation based upon my firm's current billing rates for such personnel in the final year of employment by my firm. As reflected therein, my firm expended a total of 256.75 hours on this litigation from the inception of the case to the present, with a total lodestar amount of $102,700.00.[1] Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

4. The hourly rates for the partners in my firm included in Exhibit "A" are the same as the regular current rates charged for their services in non-contingent matters and/or which have been accepted and approved in other class action matters throughout the United States.

5. The chart attached hereto as Exhibit "B" is my firm's itemization of un-reimbursed expenses incurred in the total amount of $3,995.46 in connection with the prosecution of this litigation.

6. The expenses incurred in this Action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred in connection with the prosecution of the litigation.

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[1] The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm, which are available for inspection upon request of the Court.

7. With respect to the standing of counsel in this case, attached hereto as Exhibit "C" is a brief biography of my firm and attorneys in my firm who were principally involved in this litigation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 28th day of September, 2007.

Thomas A. Zimmerman, Jr.

SWORN TO BEFORE ME
this 28th day of September 2007.

NOTARY PUBLIC

"OFFICIAL SEAL"
ANGIE D. ROZANSKI
Notary Public, State of Illinois
My Commission Expires 05/26/08

**EXHIBIT "A"**

**IN RE "*A MILLION LITTLE PIECES*" LITIGATION 06-MD-1771**

**BILLING**

**FIRM NAME: ZIMMERMAN AND ASSOCIATES, P.C.**

**REPORTING PERIOD: January 1, 2006 through September 25, 2007**

| ATTORNEY NAME | TOTAL HOURS | HOURLY RATE | TOTAL LODESTAR |
|---|---|---|---|
| Thomas A. Zimmerman, Jr. | 256.75 | $400.00 | $102,700.00 |
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| **TOTAL** | 256.75 | N/A | $102,700.00 |

# EXHIBIT "B"

## IN RE "*A MILLION LITTLE PIECES*" LITIGATION 06-MD-1771

## EXPENSES

**FIRM NAME: ZIMMERMAN AND ASSOCIATES, P.C.**

**REPORTING PERIOD: January 1, 2006 through September 25, 2007**

| TYPE OF EXPENSE | CUMULATIVE TOTAL |
|---|---|
| Computerized Legal Research (Westlaw, Lexis, Dialog, etc.) | $690.64 |
| Court Cost & Filing Fees | $531.40 |
| Court Reporters & Transcripts | $ |
| Photocopying | $807.75 |
| Postage, Messenger & Express Mail, FedEx | $93.67 |
| Professional Services (Experts, Investigators, etc.) | $1,800.00 |
| Telephone & Fax | $72.00 |
| Travel, Hotels, Meals | $ |
| Miscellaneous | $ |
| **TOTAL** | $3,995.46 |

# EXHIBIT "C"

Thomas A. Zimmerman, Jr. practices extensively in class action, corporate, commercial, medical malpractice, consumer fraud, general civil, product liability, toxic tort and other complex litigation where he has obtained multi-million dollar jury verdicts. Mr. Zimmerman represents both plaintiffs and defendants in state and federal trial and appellate courts in various states nationwide. He also represents individuals and corporations in transactional matters, and before state and federal administrative and regulatory agencies.

In 2000, he was voted one of the *Top 40 Illinois Attorneys Under the Age of 40*. This is especially notable, as there are approximately 60,000 attorneys under the age of forty in Illinois.

In 2003, the Illinois Supreme Court appointed Mr. Zimmerman to the Review Board of the Attorney Registration and Disciplinary Commission. In that capacity, he presides over appeals by attorneys who have been found to have committed misconduct, and imposes discipline for their ethical violations.

Governor Rod Blagojevich appointed Mr. Zimmerman to the Illinois Courts Commission. A Commission member presides over proceedings wherein judges are charged with committing ethical violations, and imposes discipline on judges who are found to have engaged in misconduct.

Mr. Zimmerman is admitted to practice law in Illinois, and other states on a case-by-case basis, and he is admitted to practice before the U.S. Supreme Court, federal district courts and federal court of appeals. Based on his demonstrated experience and ability, he was appointed to the federal court trial bar.

Prior to becoming an attorney, Mr. Zimmerman worked for AT&T where he negotiated partnerships with companies for domestic and international joint-venture and new product development activities. During this time, he was the featured speaker at 400 conferences, seminars and presentations. Thereafter, he presented oral testimony at various Federal Senate and Congressional hearings.

He earned a B.S. in computer science-mathematics from the University of Illinois, and an M.B.A. in finance from DePaul University in the evenings while working for AT&T.

After leaving AT&T, Mr. Zimmerman earned his law degree from the Chicago-Kent College of Law, where he was a Ramsey-Burke Scholarship recipient. In law school, he earned the Academic Achievement Award based upon his outstanding grades.

Mr. Zimmerman has been lead counsel in national and state-wide class action litigation, and has handled other multi-party litigation involving such companies as MCI/Worldcom, United Airlines, People's Gas, AT&T, Warner-Lambert, Pfizer, DaimlerChrysler, Commonwealth Edison, Ameritech, Bridgestone/Firestone, as well as others. He has earned high regard in his representation of physicians, dentists, nurses, psychologists, veterinarians, and many other licensed professionals before the Illinois Department of Financial and Professional Regulation, the U.S. Department of Health and Human Services, and other state and federal agencies.

Mr. Zimmerman is currently the chair of the Clerk of the Circuit Court of Cook County Attorney Advisory Committee, and he was the co-chair of the Clerk of the Circuit Court Transition and Strategic Planning Public Policy Subcommittee. Mr. Zimmerman is a member of the Illinois State Bar, Chicago Bar, and Illinois Trial Lawyers Associations, where he serves on various committees. He is also a member of the American Association for Justice. In 2000, he was appointed to the Illinois Trial Lawyers Association Board of Advocates.

He is also involved in numerous community service activities. Since 1988, Mr. Zimmerman has been an Illinois State Board of Education surrogate parent of disabled children; he was a speaker on the rights of disabled people for the Illinois Planning Council on Developmental Disabilities; and he was a Family Shelter Service counselor to battered children for many years. He also was recognized by the federal court for his representation of indigent clients free of charge on *pro bono* cases.